

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of: )

4 **GORDON J. CUZNER, M.D.** )

Board Case No. MD-99-0807

5 Holder of License No. 17172 )  
6 For the Practice of Allopathic Medicine )  
In the State of Arizona, )

**CONSENT AGREEMENT AND  
ORDER**

7 Respondent. )  
8

**CONSENT AGREEMENT**

9 In the interest of a prompt and judicious settlement of the above-captioned matter before  
10 the Arizona Medical Board ("the Board") and consistent with the public interest, statutory  
11 requirements, and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07(F)(5),  
12 Gordon Cuzner, M.D. ("Respondent") and the Board enter into this Consent Agreement and Order  
13 as the final disposition of this matter.

14 1. Respondent acknowledges that he has read and understands this Consent  
15 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent  
16 acknowledges that he understands he has the right to consult and has consulted with legal counsel  
17 regarding this matter.

18 2. Respondent understands that by entering into this Consent Agreement for the  
19 issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial  
20 review in state or federal court on the matters alleged, or to challenge this Consent Agreement and  
21 the Order in its entirety as issued by the Board, and waives any other cause of action related  
22 thereto or arising from said Order.


23 3. Respondent acknowledges and understands that this Consent Agreement and the  
24 Order will not become effective until approved by the Board and signed by its Executive Director.  
25  
26

1           4. All admissions made by Respondent are solely for final disposition of this matter  
2 and subsequent related administrative proceedings or civil litigation involving the Board and  
3 Respondent, if any. Any such admissions by Respondent are not intended or made for any other  
4 use, including for use in another state or federal government regulatory agency or civil or criminal  
5 court proceeding, in the State of Arizona or any state or federal court.

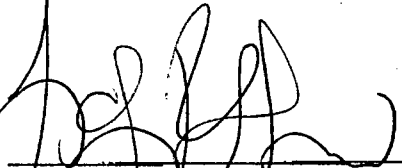
6           5. Respondent acknowledges and agrees that, although the Consent Agreement has  
7 not yet been accepted by the Board and issued by the Executive Director, upon signing this  
8 Agreement and returning it (or a copy thereof) to the Executive Director, Respondent may not  
9 revoke his acceptance of the Consent Agreement and Order or make any modifications to the  
10 documents. Any modifications to the original documents are ineffective and void unless mutually  
11 approved by the parties.

12           6. Respondent further understands that this Consent Agreement and Order, once  
13 approved and signed, shall constitute a public record document that may be publicly disseminated  
14 as a formal action of the Board.

15           7. If any part of the Consent Agreement and Order is later declared void or otherwise  
16 unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

17  
18   
19 \_\_\_\_\_  
20 Gordon Cuzner, M.D.

Reviewed and accepted this 21  
day of February, 2003.

21  
22   
23 \_\_\_\_\_  
24 Lawrence Rosenfeld  
25 Greenberg Traurig LLP  
26 (Counsel for Dr. Gordon Cuzner)

Reviewed and approved as to  
form this 21 day of February, 2003.

## FINDINGS OF FACT

1           1.       The Board is the duly constituted authority for the regulation and control of the  
2 practice of allopathic medicine in the State of Arizona.

3           2.       Respondent is the holder of license number 17172 for the practice of allopathic  
4 medicine in the State of Arizona.

5           3.       The Board initiated case number MD-99-0807 upon receiving information from the  
6 Bullhead City Police Department concerning the questionable handling of patients' medical  
7 records. During the course of this investigation, including visits to Respondent's office and  
8 interviews of Respondent and Respondent's employees, the Board became aware of certain  
9 dispensing and prescribing practices of medications by Respondent.

10          4.       Having accepted responsibility for medical records from another medical practice,  
11 Respondent failed to properly maintain the records or oversee their destruction. The records were  
12 ultimately delivered to a private residence and stored improperly, including out of doors for  
13 several months, exposing them to the elements and making them visible to unauthorized persons.  
14 Some records were viewed by one or more members of the public.

15          5.       Respondent has self-prescribed or dispensed controlled substances or other  
16 medications. He self-prescribed or dispensed to himself diazepam (Valium), a schedule IV  
17 controlled substance, lorazepam (Ativan), a schedule IV controlled substance, and  
18 Fluoxymesterone, an anabolic steroid.

19          6.       Respondent ordered Didrex, a controlled substance, in June and July 1996 and  
20 October and December 1997. Orders for Fluoxymesterone, a controlled steroid, occurred in April  
21 and July 1996 and in August and December 1997. Respondent prescribed Didrex to patients.  
22 Patient records of these patients reflect the prescription. Respondent failed to maintain a  
23 dispensing log for the drugs Didrex and Fluoxymesterone.

24          7.       Respondent is not registered by the Board to dispense drugs. Respondent admitted  
25 he has dispensed drugs.  
26

1           8.       Respondent does not keep scheduled drugs in a locked cabinet or room, have  
2 written procedures for controlling access to such a cabinet or room or maintain an ongoing  
3 inventory.

4           9.       On May 11, 2000, the Board issued an Interim Order requiring Respondent to  
5 undergo biological fluid testing for six (6) months. Fluid samples collected on June 24, 2000,  
6 June 27, 2000, June 30, 2000, August 17, 2000, August 18, 2000, September 7, 2000, September  
7 8, 2000, September 22, 2000, October 9, 2000 and November 7, 2000 were negative Respondent  
8 was unavailable for testing on June 1, 2000, July 7, 2000, July 13, 2000, and July 19, 2000 for the  
9 stated reason that he was out of town.

#### 10                               CONCLUSIONS OF LAW

11           1.       The Board possesses jurisdiction over the subject matter hereof and over  
12 Respondent.

13           2.       The conduct and circumstances described in paragraph 4 constitutes unprofessional  
14 conduct pursuant to A.R.S. § 32-1401.24(e) (“[f]ailing or refusing to maintain adequate records on  
15 a patient”.)

16           3.       The conduct and circumstances described in paragraph 5 constitutes unprofessional  
17 conduct pursuant to A.R.S. § 32-1401.24(g) (“[u]sing controlled substances except if prescribed  
18 by another physician for use during a prescribed course of treatment”.)

19           4.       The conduct and circumstances described in paragraphs 6 to 8 constitute  
20 unprofessional conduct pursuant to A.R.S. § 32-1401.24(kk) (“[f]ailing to dispense drugs and  
21 devices in compliance with article 6 of this chapter”) and/or are in violation of A.R.S. § 32-  
22 1491(A)(3) and (4) (“A doctor of medicine may dispense drugs . . . kept by the doctor if: . . .  
23 (3) The dispensing doctor keeps all drugs in a locked cabinet or room, controls access to the  
24 cabinet or room by a written procedure and maintains an ongoing inventory of its contents; (4)  
25 Registers with the Board to dispense drugs and devices and pays the registration fee prescribed by  
26 [law].”)

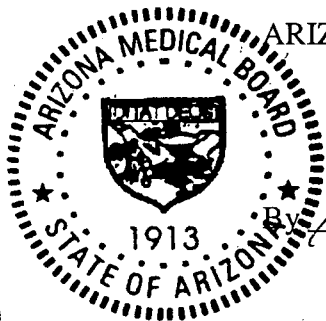
**ORDER**

IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty within sixty (60) days of the effective date of this Order in the amount of \$500.00.
2. Respondent shall, at his expense, obtain twenty (20) hours of Board Staff pre-approved Category I Continuing Medical Education (CME) in pharmacology and fifteen (15) hours of Board Staff pre-approved Category I CME in record keeping and provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for biennial renewal of medical license.
3. The CME requirements set forth in the preceding paragraph shall be completed and Respondent shall provide satisfactory proof of attendance no later than six (6) months following the date of this Order.
4. Respondent shall be evaluated by the Board's Monitored Aftercare Program ("MAP") and comply with any recommendations. If Respondent is required to enter MAP, he will notify the Board and this Order will be amended to include the terms for Respondent's participation in MAP.
5. Respondent shall keep all licensure and logs up to date and in compliance with Arizona laws.
6. The Board shall issue a Letter of Reprimand to Respondent.
7. The Board retains jurisdiction and may initiate a new action based upon any violation of this Order.
8. This Order is the final disposition of case number MD-99-0807.

DATED AND EFFECTIVE this 12<sup>th</sup> day of MARCH, 2003.

(SEAL)



ARIZONA MEDICAL BOARD

*Barry A. Cassidy*  
BARRY A. CASSIDY, Ph.D., P.A.C.,  
Executive Director

ORIGINAL of the foregoing filed this  
17<sup>th</sup> day of MARCH, 2003, with:

The Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

COPY of the foregoing mailed U.S.  
Certified Mail this 17<sup>th</sup> day of  
MARCH, 2003, to:

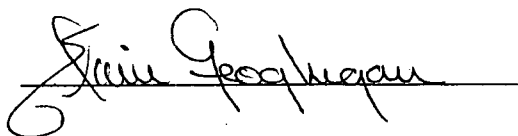
Lawrence J. Rosenfeld, Esq.  
Greenberg Traurig LLP  
2375 E. Camelback Rd., Suite 700  
Phoenix, AZ 85016-9000  
Counsel for Dr. Gordon Cuzner

Gordon T. Cuzner, M.D.  
1526 Turquoise Road  
Bullhead City, AZ 86442  
Respondent

COPY of the foregoing mailed  
this 17<sup>th</sup> day of MARCH, 2003, to:

Montgomery Lee, Esq.  
Assistant Attorney General  
1275 West Washington, CIV/LES  
Phoenix, AZ 85007  
Attorney for State

Christine Cassetta, Esq.  
Assistant Attorney General  
1275 West Washington  
Phoenix, AZ 85007  
Attorney for State

A handwritten signature in cursive script, appearing to read "Christine Cassetta", is written over a horizontal line.